

CITY OF SPOKANE CODE OF ETHICS HANDBOOK

The Spokane City Council adopted the City's Code of Ethics in January of 2006 (Ordinance No. C-33785) and updated the Code of Ethics with the recognition of the Ethics Commission through the adoption of Ordinance No. C-35148 in January of 2015. The City's Code of Ethics is set forth in Chapter 1.04A of the Spokane Municipal Code and is applicable to elected and appointed officials, exempt-confidential employees and represented employees pursuant to applicable collective bargaining agreements.

SMC 1.04A.010 A describes the purpose of the Code of Ethics as follows:

It is the policy of the City of Spokane to uphold, promote and demand the highest standards of ethics from all of its employees and City officers, whether elected, appointed or hired. City officers and employees shall maintain the utmost standards of responsibility, trustworthiness, integrity, truthfulness, honesty and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants including the appearance of impropriety, and never use their City position, authority or resources for personal gain.

This Employee Handbook provides a summary of the Code of Ethics and is intended to provide City officials, officers and employees with an introduction to the City's ethics requirements. This Employee Handbook does not replace the Code of Ethics. Additional ethical standards may also apply to specific employees based upon their own professional occupation or license. Additional information regarding the Code of Ethics, the Ethics Commission and its past decisions can be found on the City's website at:

<https://my.spokanecity.org/bcc/commissions/ethics-commission/>.

Prohibited Conduct

The main focus of the Code of Ethics is to identify the prohibited conduct that would constitute an ethics violation. SMC 1.04A.030 sets forth the prohibited conduct summarized as follows:

A. Conflicts of Interest – In order to avoid having a conflict of interest or engaging in impropriety, or creating an appearance of conflict of interest or impropriety, no City officers or employees are to have a direct or indirect interest or engage in a business, transaction or professional activity that might be seen as a conflict with the officer or employee's discharge of his or her official duties, the conduct of official city business or as adverse to the interest of the City.

An employee who becomes aware that he or she might have a potential conflict of interest that arises in the course of his or her official duties shall notify in writing his or her supervisor of the potential conflict of interest.

B. Personal Interests in Contracts Prohibited - No City officer or employee shall participate in their official capacity as a City officer or employee in the making of a contract in which he or she has a direct or indirect personal interest or performs some function of the contract requiring the exercise of discretion on behalf of the City.

C. Personal Influence in Contract Selection Prohibited – No City officer or employee shall influence the City's selection of, or its conduct of business with an entity having or proposing to do business with the City if the City officer or employee has a personal interest in or with the entity, unless such interest is a remote interest.

D. Representation of Private Person at City Proceeding Prohibited - No City officer or employee shall appear on behalf of a person, other than himself/herself or a family member, or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action to which the City or a City officer in an official capacity is a party, or accept a retainer or compensation that is contingent upon a specific action by the City.

E. Certain Private Employment Prohibited – No City officer or employee shall engage in or accept private employment, or render services for, any private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties.

F. Personal Interest in Legislation Prohibited - No City officer or employee may directly or indirectly benefit from any legislation or contract to which the City shall be a party except for the lawful compensation or salary of the City officer or employee unless such interest is a remote interest where the facts and extent of such interest is disclosed. This prohibition does not apply to council members participating in the enactment of legislation when his or her interest is remote and has been disclosed and the legislation is applicable to the general public.

G. Continuing Financial Interest - Where a City officer, employee, or family member of a City officer or employee has a substantial ongoing financial relationship with a corporation, firm, or person seeking a contract, or proposing to do business with the City, the City officer or employee shall not influence or participate in the City's contract selection of or conduct business with such corporation, firm, or person; nor influence or participate in the City's contract selection of, or conduct business with, a

corporation, firm, or party competing against a party that a City officer or employee has such a substantial ongoing financial relationship.

H. Disclosure of Confidential Information - No City officer or employee shall, except as required or reasonably believed to be required for the performance of his/her duties, disclose confidential information gained by reason of his/her official position or use such information for his/her own personal interest.

I. Acceptance of Compensation, Gifts, Favors, Rewards or Gratuity - City employees cannot directly or indirectly solicit any gift or give or receive any gift, whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form, when it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or the gift was intended to serve as a reward for any official action on the employee's part. Public officials and city employees may accept de minimis gifts such as calendars, coffee mugs, flowers, candy, and other similar items that are given as a customary business practice and have no material significance to the recipient. Such gifts from any one source cannot exceed one hundred dollars in value in any twelve-month period. City employees should report any gift to their immediate supervisor.

J. Fair and Equitable Treatment – City officers and employees shall not knowingly use their office or position, the employment of any person under their control or direction, or any City-owned property or personal benefit, gain or profit. Nor shall a City officer or employee use the power or authority of their office or position with the City in a manner intended to induce or coerce any other person to provide such City officer or employee or any other person with any compensation, gift, or other thing of value.

K. False and Frivolous Complaints Prohibited –No person subject to the Code of Ethics shall knowingly file a false complaint or report of a violation of the Code of Ethics. However, a person who files a complaint with a good faith belief that a violation of the Code of Ethics has occurred shall be protected by the City's Whistleblower Protection policy as set forth in SMC 1.04A.180.

L. Aiding Others Prohibited - No City officer or employee may knowingly aid or assist any City officer or employee in the violation of any provision of this Code of Ethics.

M. Commission of Acts of Moral Turpitude or Dishonesty Prohibited - No City officer or employee shall commit any act of moral turpitude or dishonesty relating to their duties or position as a City officer or employee or arising from business with the City. Conviction of a felony or a misdemeanor involving moral turpitude or dishonesty, the nature of which demonstrates lack of fitness for the position held, shall be considered conclusive evidence of a violation of this Code of Ethics. Demonstrated acts of moral turpitude or dishonesty are not limited to felony or misdemeanor criminal convictions.

N. Prohibited Conduct After Leaving City Service – After leaving City employment, the former officer or employee may not disclose or use any privileged confidential or proprietary information gained because of their employment with the City. Within one year of leaving City office or employment, the former officer or employee may not:

- a. participate in matters involving the City if, while in the course of employment with the City, the former City officer or employee was officially involved in the matter, or personally and substantially participated in the matter, or acted on the matter;
- b. represent any person as an advocate in any matter in which the former City officer or employee was involved while a City officer or employee; or
- c. participate as or with a bidder, vendor or consultant in any competitive selection process for a City contract in which he or she assisted the City in determining the project, or work to be done, or the process to be used.

There are exceptions including approval from the Ethics Commission when the City desires to contract with the former officer or employee for expert or consulting services or when the officer or employee is acting on behalf of a governmental agency if the Ethics Commission determines that the service to the agency is not adverse to the City's interest.

Potential Penalties – A stipulation or determination by the Ethics Commission that a violation has occurred shall subject the party found in violation to any of the following penalties, which may be imposed by the Ethics Commission:

1. A cease and desist order as to violations of this Code of Ethics.
2. An order to pay to the City damages sustained by the City that are caused by the conduct constituting the violation.
3. A civil penalty of up to five thousand dollars per violation or three times the economic value of anything received or sought in violation of this chapter or rules adopted under it, whichever is greater.

An employee of the city who commits a violation of this chapter may be subjected to disciplinary action, up to and including termination from employment; provided that such disciplinary action is consistent with Career Service Guidelines and any applicable collective bargaining agreement.

A member of a board or commission may also receive a recommendation from the Ethics Commission to the City Council that they be removed from the board or commission or may be suspended from the board or commission by the Ethics Commission in lieu of a fine or damages.

In the case of an elected official, a written reprimand may be issued by the Ethics Commission if the Commission determines that while the elected official did violate the Ethics Code, there was no intent to commit the violation.

As appropriate, the Ethics Commission may refer the disposition of a complaint to the City or County prosecuting attorney's office for appropriate action.

Complaint Process

Filing of Complaints. Complaints shall be filed with the Ethics Commission chairperson or with the staff person assigned to assist the Commission pursuant to the process set forth in SMC 1.04A.100 and within three years of the date of the alleged violation. Complaints must be written, signed by the complainant and directed to the Commission. The complaint shall set forth the facts which the complainant believes substantiates a violation of the Code of Ethics and which provisions of the code the complainant believes were violated.

Adjudication Process. The Ethics Commission engages an adjudication process to resolve complaints. The Commission shall request an initial written response to the complaint from the respondent, which shall pertain to whether the complaint should be dismissed pursuant to the reasons set forth in SMC 1.04A.110 D. 1. a. – f., which includes the Commission's lack of jurisdiction, the matter is moot, corrective action has already been taken, or the alleged violation would be a minor or de minimis violation. The initial response shall not address the merits of the complaint. The Commission shall conduct a hearing to determine whether the complaint shall be dismissed pursuant to SMC 1.04A.110 D.

Stipulation Process. If the Commission determines that the complaint shall not be dismissed pursuant to SMC 1.04A.110 and that the complaint alleges facts, which, if found to be true, would be sufficient to constitute a violation of the Code of Ethics, it shall schedule a time to meet with the respondent to create a stipulation resolving the complaint, the determination of compliance and the penalty. Such meeting shall be open to the public.

Investigation and Hearing Process. Complaints that are not resolved through the adjudication or the stipulation process under SMC 1.04A.E, shall proceed to an investigation and hearing process pursuant to SMC 1.04A.110 F.

RECUSAL. Commission members who have a conflict regarding a specific complaint shall recusal himself or herself from hearing that complaint but shall remain a member of the Commission.

RESTRICTIONS ON COMMISSION MEMBERS. Commission members are subject to certain restrictions relating to their employment and political activities as set forth in SMC 1.04A.130.

REMOVAL. Commission members may be removed from the Commission by the City Council upon recommendation of the Mayor for official misconduct or conviction of a crime involving moral turpitude or dishonesty.